IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CASE NO. 5:22-CV-037-KDB-DCK

CINDY MICHELLE GARDNER,)
Plaintiff,)
v.)) <u>ORDER</u>
TOWN OF MOORESVILLE, and RUSSELL CLARK,)))
Defendants.)
)

THIS MATTER IS BEFORE THE COURT on "Defendants' Motion To Dispense With Mediation, Or In The Alternative Designate A Mediator" (Document No. 24) filed November 10, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and in consultation with Judge Bell's chambers, the undersigned will deny the motion.

Mediation is required by this Court, and at this time, the undersigned is not persuaded that the parties should be excused from participating in a mediated settlement conference by the March 31, 2023 deadline. See (LCvR 16. 2) and (Document No. 23, p. 9).

Apparently, Plaintiff, who is appearing *pro se*, has declined to confer with Defendant's counsel regarding proposed mediators. (Document No. 24). The parties were required to notify the Court of their mediator selection by November 10, 2022. (Document No. 23, p. 9). The Court will allow the parties a brief extension to confer and jointly designate a mediator, or submit a list of proposed mediators to the Court.

Plaintiff is respectfully advised that she must abide by the Federal Rules of Civil Procedure, the Local Rules of this Court, and the Orders of this Court. Failure to abide by the Rules and

Orders of this Court, and/or failure to otherwise prosecute this case, may lead to sanctions, which

might include dismissal of this action.

IT IS, THEREFORE, ORDERED that "Defendants' Motion To Dispense With

Mediation, Or In The Alternative Designate A Mediator" (Document No. 24) is **DENIED**

WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the parties shall inform the Court of their designated

mediator, as directed herein, on or before December 9, 2022.

The Clerk of Court shall send a copy of this Order to pro se Plaintiff by certified U.S. mail,

return receipt requested.

SO ORDERED.

Signed: November 14, 2022

David C. Keesler

United States Magistrate Judge